

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF OHIO

IN RE:

NELLIE ROBIN DAVIS

CASE NO. 17-61089
JUDGE RUSS KENDIG
CHAPTER 13 PROCEEDING

Debtor MOTION
(To Borrow/Refinance)

Now comes the debtor, by and through counsel, and moves the Court for an Order allowing her to refinance her current mortgages on her real estate located at 1126 Fairlane Avenue S.W., Canton, OH 44710 and more fully described as Parcel No. 4310082. The specific information regarding the proposed refinance is set forth below:

1. The debtor filed these proceedings pursuant to 11 U.S.C. Chapter 13 on May 12, 2017.
2. The debtor is the titled owner of the property to be refinanced located at 1126 Fairlane Avenue S.W., Canton, OH 44710 as more fully described on the attached Auditor's card (Exhibit A).
3. At the time of the filing of these proceedings, the aforesaid property had a value of \$136,900. The current value is \$143,100.00 (Exhibit A).
4. The debtor proposes to borrow the total amount of approximately \$146,520.00.
5. The aforesaid \$146,520.00 will be used to pay off the mortgages on said property owing to Ditech Financial and PNC with approximate balances totaling \$130,000.00 and settlement charges as more fully described on the attached Loan Estimate from Signature Mortgage Corporation (Exhibit B).
7. A completed and executed Motion to Refinance Worksheet is included with this Motion setting forth additional information regarding the proposed refinance.
8. The debtor desires to refinance in order to obtain a lower interest rate and lower monthly payments.

9. The debtor further represents that allowing his transaction will not adversely affect any creditors.

WHEREFORE, debtor prays for an Order in accordance with this Motion.

/s/Donald M. Miller
DONALD M. MILLER #0003544
ATTORNEY FOR DEBTOR
1400 N. Market Avenue
Canton, OH 44714
Phone: 330456-9911
Fax: 330-456-3092
e-mail: bankruptcy_attys@yahoo.com

CERTIFICATION

I hereby certify that a true and correct copy of the foregoing Motion to Borrow/Refinance was electronically transmitted on or about March 1, 2019: Via the Court's CM/ECF system to the following who are listed on the Court's Electronic Mail Notice list:

- Thomas R. Houlihan Houlihan@amer-law.com, sallman@amer-collect.com;jvaughan@amer-collect.com;HouliECF@aol.com
- Steven H. Patterson ohbk@rslegal.com,
rsbkecfbackup@gmail.com;reisenfeld@ecf.inforuptcy.com
- Dynele L Schinker-Kuharich DLSK@Chapter13Canton.com,
dschinkerkuharich@ecf.epiqsystems.com
- United States Trustee (Registered address)@usdoj.gov
- Joshua Ryan Vaughan jvaughan@amer-collect.com, SAllman@AMER-COLLECT.COM;rschroeter@amer-collect.com;HouliECF@aol.com

By regular United States Mail on March 1, 2019 upon:

All creditors at the addresses as shown on the attached mailing matrix.

Nellie Davis
1126 Fairlane Ave. S.W.
Canton, OH 44710

/s/Donald M. Miller
DONALD M. MILLER
ATTORNEY FOR DEBTOR

Property Record Card - Alan Harold, Stark County Auditor

Generated 2/28/2019 10:25:31 AM

Subject Property	
Parcel	4310082
Owner	DAVIS NELLIE R
Address	1126 FAIRLANE AVE SW CANTON OH 44710-1344
Mailing Address Line 1	CORE LOGIC
Mailing Address Line 2	2500 WESTFIELD DR
Mailing Address Line 3	ELGIN IL 60124
Legal Description	199 WH WEST MANOR 3
Last Inspected	01/01/2018
Property Class	RESIDENTIAL
DTE Classification	510 - 1-FAMILY DWELLING
Tax District	00400 PERRY TWP - PERRY LSD
School District	7614 PERRY LSD
Township	PERRY TOWNSHIP
City	UNINCORPORATED
Neighborhood	043-02-06-08
Map Routing Number	43 012SE 06 0500

Allotments	
Allotment	Lot
No Allotment Information Available	

Valuation Details						
Year	Appraised Land Value	Assessed Land Value	Appraised Building Value	Assessed Building Value	Appraised Total Value	Assessed Total Value
2018	\$26,400	\$9,240	\$116,700	\$40,850	\$143,100	\$50,090
2017	\$22,900	\$8,020	\$114,000	\$39,900	\$136,900	\$47,920
2016	\$22,900	\$8,020	\$114,000	\$39,900	\$136,900	\$47,920
2015	\$22,900	\$8,020	\$114,000	\$39,900	\$136,900	\$47,920
2014	\$22,200	\$7,770	\$110,200	\$38,570	\$132,400	\$46,340
2013	\$22,200	\$7,770	\$110,200	\$38,570	\$132,400	\$46,340
2012	\$22,200	\$7,770	\$110,200	\$38,570	\$132,400	\$46,340
2011	\$23,600	\$8,260	\$119,500	\$41,830	\$143,100	\$50,090
2010	\$23,600	\$8,260	\$119,500	\$41,830	\$143,100	\$50,090
2009	\$23,600	\$8,260	\$119,500	\$41,830	\$143,100	\$50,090
2008	\$23,600		\$137,400		\$161,000	\$56,350

Land Details									
Description	Acreage	Frontage	Depth	Area (sqft)	Method	Rate	Adj %	Value	
HOUSE LOT		60	160	9,600	FF	\$460.00	0	\$26,400	

Sales Details						
Date	Work Order Number	Work Order Year	Number Of Parcels	Arms Length	Sale Price	Taxable Value
5/26/2009	4873	2009	0	NO	\$0	\$56,350

Exhibit A

SIGNATURE MORTGAGE CORPORATION

4790 DOUGLAS CIR., N.W. • Canton, OH 44718

Save this Loan Estimate to compare with your Closing Disclosure.

Loan Estimate

DATE ISSUED 2/25/2019
 APPLICANTS NELLIE R DAVIS
 1126 FAIRLANE SW
 Canton, OH 44710
 PROPERTY 1126 FAIRLANE SW
 Canton, OH 44710
 PROP. VALUE \$180,000

LOAN TERM 30 years
 PURPOSE Refinance
 PRODUCT Fixed Rate
 LOAN TYPE ☐ Conventional ☒ FHA ☐ VA ☐
 LOAN ID # 19SMC014530
 RATE LOCK ☐ NO ☒ YES, until 4/11/2019 at 5:00 PM EDT
Before closing, your interest rate, points, and lender credits can change unless you lock the interest rate. All other estimated closing costs expire on 4/8/2019 at 5:00 PM EDT

Loan Terms		Can this amount increase after closing?
Loan Amount	\$146,520	NO
Interest Rate	4.75 %	NO
Monthly Principal & Interest <i>See Projected Payments below for your Estimated Total Monthly Payment</i>	\$764.32	NO
Prepayment Penalty	Does the loan have these features? NO	
Balloon Payment	NO	

Projected Payments		
Payment Calculation	Years 1-30	
Principal & Interest		\$764.32
Mortgage Insurance	+	101
Estimated Escrow <i>Amount can increase over time</i>	+	255
Estimated Total Monthly Payment		\$1,120
Estimated Taxes, Insurance & Assessments <i>Amount can increase over time</i>	\$255 Monthly	This estimate includes <input checked="" type="checkbox"/> Property Taxes <input checked="" type="checkbox"/> Homeowner's Insurance <input type="checkbox"/> Other: <i>See Section G on page 2 for escrowed property costs. You must pay for other property costs separately.</i>
		In escrow? YES YES

Costs at Closing		
Estimated Closing Costs	\$7,861	Includes \$5,851 in Loan Costs + \$2,010 in Other Costs - \$0 in Lender Credits. <i>See page 2 for details.</i>
Estimated Cash to Close	-\$138,659	Includes Closing Costs. <i>See Calculating Cash to Close on page 2 for details.</i>

Visit www.consumerfinance.gov/mortgage-estimate for general information and tools.

Exhibit B

WORKSHEET: MOTION TO REFINANCE

Debtor(s): Nellie Robin Davis

Case number: 17-61089

A. BACKGROUND INFORMATION

1. Address of property to be refinanced: <u>1126 Fairlane Avenue S.W., Canton, OH 44710</u>	2. Appraised value of Property as appraised by trustee. (Attach trustee's appraisal or include explanation as to non-applicability on separate page) \$ <u>n/a-no appraisal by Trustee</u>
3. Total amount of unsecured debt scheduled: \$ <u>11,755.00</u>	4. Total unsecured claims filed to date: \$ <u>11,599.01</u>
5. Dividend to unsecured creditors: <u>POT</u> %	6. Date Case filed: <u>5/12/17</u>
7. Chapter 13 payoff balance \$ <u>11,747.71</u>	8. Is mortgage being paid by trustee? <u>no</u>

B. CURRENT MORTGAGE LOAN INFORMATION

9. Current interest rate: <u>5.5</u> % Is the rate fixed or adjustable? <u>fixed</u> If adjustable, what is the rate cap? _____ %	10. Term of current mortgage loan: <u>30</u> years How many years until paid in full? <u>15</u> years 11. Current payoff balance \$ <u>Ditech- 97,000 approx</u>
12. Monthly mortgage payment \$ <u>948.15</u> Does this amount include taxes and insurance? <u>taxes</u> If not, what is the amount taxes and Insurance monthly? \$ <u>135.86</u>	

C. PROPOSED REFINANCING INFORMATION

13. Proposed interest rate: <u>4.75</u> % Is the rate fixed or adjustable? <u>fixed</u> If adjustable, what is the rate cap? _____ %	14. Term of proposed loan: <u>30</u> years 15. Total closing cost for proposed refinancing \$ <u>7861.00</u> ATTACH A COPY OF THE PROPOSED CLOSING STATEMENT.
16. Net proceeds to debtor \$ <u>8,659.00</u> Proposed use of funds: <u>repairs to home</u>	17. Amount to be paid on the Chapter 13 plan: \$ <u>n/a</u> 18. Total to be borrowed? \$ <u>146,520.00</u>
19. Proposed monthly mortgage payment \$ <u>1,120.00</u> Does this amount include taxes and Insurance? <u>yes</u>	

D. ACKNOWLEDGMENT OF DEBTOR AND COUNSEL

20. By signing below, I acknowledge that my attorney, unless I am pro se, has reviewed the information on this worksheet with me and has offered to answer all my questions that I may have regarding the worksheet or the proposed refinancing

Signature of Debtor Nellie Robin Davis

Date: 3-1-19

Signature of Debtor _____

Date: _____

Signature of Counsel Anthony M. Willey

Date: 2/27/19

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B. CURRENT MORTGAGE LOAN INFORMATION

9. Current interest rate: <u>5.25</u> % Is the rate fixed or adjustable? _____ If adjustable, what is the rate cap? _____ %	10. Term of current mortgage loan: <u>N/A</u> years How many years until paid in full? _____ years 11. Current payoff balance \$ <u>PNC- 31,000.00 approx.</u>
12. Monthly mortgage payment \$ <u>426.00</u> Does this amount include taxes and insurance? <u>n/a</u> If not, what is the amount taxes and Insurance monthly? \$ _____	

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D. ACKNOWLEDGMENT OF DEBTOR AND COUNSEL

20. By signing below, I acknowledge that my attorney, unless I am pro se, has reviewed the information on this worksheet with me and has offered to answer all my questions that I may have regarding the worksheet or the proposed refinancing

Signature of Debtor Nellie Robin Davis

Date: 3-1-19

Signature of Debtor _____

Date: _____

Signature of Counsel Monica M. Miller

Date: 2/27/19

Creditors

ACSO of Ohio, Inc. d/b/a Advance America (24894223)
135 North Church Street (cr)
Spartanburg, SC 29306

ADVANCE ASSOCIATES (24866543)
PO BOX 7103 (cr)
Lewiston, ME 04243

CAPITAL ONE (24866544)
PO BOX 6492 (cr)
Carol Stream, IL 60197-6492

CHECK N GO (24866545)
2802 WHIPPLE RD (cr)
Canton, OH 44708

DISCOVER (24866546)
PO BOX 742655 (cr)
Cincinnati, OH 45274-2655

Discover Bank
Discover Products Inc (24886099)
PO Box 3025 (cr)
New Albany, OH 43054-3025

DITECH (24866547)
PO BOX 94710 (cr)
Palatine, IL 60094-4710

Ditech Financial LLC fka Green Tree Servicing LLC (25001293)
P.O. Box 6154 (cr)
Rapid City, South Dakota 57709-6154

EQUIFAX (24866548)
PO BOX 740241 (cr)
Atlanta, GA 30374

EXPERIAN (24866549)
PO BOX 2104 (cr)
Allen, TX 75013-2104

(24866550)
(cr)

FIRST AMERICAN LOANS/ADVANCE AMERIC
1218 20TH ST NW
Canton, OH 44709

MARATHON - COMENITY (24866551)
PO BOX 659584 (cr)
San Antonio, TX 78265

MIDLAND FUNDING LLC (25048171)
PO BOX 2011 (cr)
WARREN, MI 48090

NCP FINANCE OHIO LLC (24866552)
205 SUGAR CAMP CIR DEPT CIC (cr)
Dayton, OH 45409

PNC BANK (24866553)
PO BOX 856177 (cr)
Louisville, KY 40285-6177

Portfolio Recovery Associates, LLC (25068109)
POB 12914 (cr)
Norfolk VA 23541

PRA Receivables Management, LLC (24869541)
PO Box 41021 (ntcapr)
Norfolk, VA 23541

Quantum3 Group LLC as agent for
MOMA Funding LLC (25017923)
PO Box 788 (cr)
Kirkland, WA 98083-0788

TEBO (24866554)
4740 BELPAR ST NW UNIT A (cr)
Canton, OH 44708

TEBO FINANCIAL (24866555)
4932 EVERHARD RD (cr)
Canton, OH 44718

Tebo Financial Services, Inc. (25079540)
4932 Everhard Rd. (cr)
Canton, OH 44718

TRANS UNION (24866556)
2 BALDWIN PL (cr)
PO BOX 1000
Chester, PA 19022

WALMART (24866557)
PO BOX 530927 (cr)
Atlanta, GA 30353-0927

Wells Fargo Bank N.A.,
d/b/a Wells Fargo Dealer Services
PO Box 19657
Irvine, CA 92623-9657

(24956467)
(cr)

WELLS FARGO DEALER
PO BOX 17900
Denver, CO 80217-0900

(24866558)
(cr)

PACER Service Center			
Transaction Receipt			
02/28/2019 12:48:37			
PACER Login:	millershornbrook:2694584:0	Client Code:	
Description:	Creditor List	Search Criteria:	17-61089-rk Creditor Type: All
Billable Pages:	1	Cost:	0.10

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF OHIO

In Re:

NELLIE ROBIN DAVIS

CASE NO. 17-61089
CHAPTER 13 PROCEEDING
JUDGE RUSS KENDIG

Debtor

NOTICE

Counsel for the debtor has filed a Motion to Borrow/Refinance with the Court in this bankruptcy case.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one. If you do not have an attorney, you may wish to consult one.

If you do not want the Court to grant the relief sought, or if you want the Court to consider your views, then on or before **March 8, 2019**, you or your attorney must:

File with the Court a written response setting forth the specific grounds for objection at:

CLERK OF COURTS
UNITED STATES BANKRUPTCY COURT
Ralph Regula Federal Building
401 McKinley Avenue S.W.
Canton, Ohio 44702

You must also mail a copy to:
DONALD M. MILLER
ATTORNEY FOR DEBTOR
1400 North Market Avenue
Canton, Ohio 44714

If you mail your request and response to the Court for filing, you must mail it early enough so the Court will receive it before the date stated above.

If you or your Attorney do not take these steps, the Court may decide that you do not oppose the relief sought.